

Atty. Docket No. YO-999-567  
(590.003)

RECEIVED  
CENTRAL FAX CENTER

NOV 27 2006

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded to the instant application by the Examiner. In the Office Action dated June 27, 2006, Claims 1, 3-5, 8-22, 25-31, and 32-33 were rejected. Of the rejected claims, Claims 1, 20, and 31 are independent claims; the remaining claims being dependent.

Claims 1,20 and 31 stand rejected under 35 USC § 112, first paragraph. Claims 1, 305, 8-22, and 25-31 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,009,480 to Pleso in view of U.S. Patent No. 6,167,567 to Chiles et al., and in further view of U.S. Patent No. 6,041,360 to Himmel et al. Claims 33-35 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,009,480 to Pleso in view of U.S. Patent No. 6,167,567 to Chiles et al., and in further view of U.S. Patent No. 6,041,360 to Himmel et al., and in further view of U.S. Patent No. 6,578,142 to Anderson et al.

The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

**35 USC 112, First Paragraph, Written Description Rejections**

Independent Claims 1, 20, and 31 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirements, because, as indicated by the Examiner, subject matter is claimed which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that

Atty. Docket No. YO-999-567  
(590.003)

the inventors had possession of the invention at the time the application was filed. (Office Action P. 2) The Examiner states, "There is no description in the specification about updating a network location contained within a device upon determination by interface logic that a more recent version of the network location reference is available." (Id.) Applicants respectfully disagree for the reasons stated in the prior Amendment, and also wish to call the Examiner's attention to Claim 9 as originally filed. In order to expedite prosecution, however, Applicants have amended the independent claims to remove the objectionable language. Thus, it is believed this objection has been obviated.

Furthermore, Applicants assert it would be improper to interpose such an objection against the language the presently appears in the independent claims, to wit, "wherein the currency of said installed device driver is periodically checked based upon the volatility of said driver and if a more recent device driver is available, said more recent device driver is installed in said device". Support for this language may be found in the specification, including in the paragraph bridging Pages 9-10 of the specification.

### 35 U.S.C. 103(a) Rejections

As specifically set forth above, all of the Claims stand rejected under 35 U.S.C. §103(a) as being obvious over Pleso, in view of various combination of Chiles, Himmel, and/or Anderson. Applicants' remarks set forth in the January 3, 2006 Amendment After final and August 18, 2005, Amendment included reasons why any Section 103 rejections based on Pleso in view of Chiles should be withdrawn and/or their inapplicability to the claims being amended therein. These remarks remain equally applicable to the present

Atty. Docket No. YO-999-567  
(590.003)

rejections, in as much as the present rejections continue to apply Pleso and Chiles; therefore, these remarks are hereby incorporated by reference as if fully set forth herein.

As noted above, independent Claims 1, 20, and 31, have been rewritten to recite "wherein the currency of said installed device driver is periodically checked based upon the volatility of said driver and if a more recent device driver is available, said more recent device driver is installed in said device". It should also be noted, however, these amendments are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution. As explained in the specification,

The predetermined time intervals at which such periodic checking may take place can be chosen depending on the volatility associated with the driver in question. For example, it is conceivable to check for new versions of graphics and network card drivers at significantly frequent intervals, in view of the fact that these are typically updated quite often, while versions of printer drivers, on the other hand, might not need to be checked upon quite so frequently since these do not tend to be updated very often.

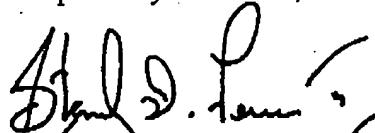
(Specification, Pages 9-10) It is respectfully submitted that neither Pleso, Chiles, nor Anderson -- either individually nor in combination -- teach "wherein the currency of said installed device driver is periodically checked based upon the volatility of said driver and if a more recent device driver is available, said more recent device driver is installed in said device". Since, *inter alia*, the cited references fail to teach or suggest all of the limitations as presently claimed and because there is no motivation to make the modifications and combinations necessary to, arguably, present the presently claimed invention, the current rejections should be withdrawn and the independent claims allowed.

Atty. Docket No. YO-999-567  
(590.003)

In view of the foregoing, it is respectfully submitted that Claims 1, 20, and 31 are fully distinguishable over the applied art and are, thus, presently in condition for allowance. By virtue of their dependence on what is believed to be independent Claims 1, 20, and 31, it is submitted that Claims 3-5, 8-19, 21-22, 25-30, and 33-35 are also presently allowable. Notice to the effect is hereby earnestly solicited.

The undersigned attempted to contact the Examiner to discuss this case prior to submission of the response, but was unable to reach the Examiner. The undersigned would welcome the opportunity to discuss the case with the Examiner to expedite prosecution. If there are any further issues in this application, the Examiner is requested to contact the undersigned at the telephone number listed below prior to the issuance of an Office Action.

Respectfully submitted,



Stanley D. Ference III  
Registration No. 33,879

Customer No. 35195  
FERENCE & ASSOCIATES  
409 Broad Street  
Pittsburgh, Pennsylvania 15143  
(412) 741-8400  
(412) 741-9292 - Facsimile

Attorneys for Applicants